

REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended in accordance with the provisions of 37 C.F.R. §1.116.

Claims 1 – 20 are pending in the application. No claims are yet allowed. Claims 1 – 20 are rejected. Claims 1-20 are amended by this response. No claims are cancelled by this response and no claims are being added by this response.

In accordance with the revised provisions of 37 C.F.R. §1.121(c) as enacted on July 30, 2003, a marked up version of the amended claims is provided above.

The Examiner rejects Claims 1-3 and 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,509,055 issued to Fassett and assigned to Raytheon Company (hereinafter Fassett).

Applicants submit that Claim 1 is patentably distinct over the cited reference since the reference neither describes nor suggests ... method of forming a plurality of two-way beams using a transmit and receive system ... comprising ... controlling a transmit antenna array of the transmit and receive system to provide a plurality of transmit beams ... simultaneously forming a first plurality of receive beams via a beamformer network ... controlling a switched beam combining circuit of a receive antenna array of the transmit and receive system to form a second plurality of receive beams wherein the controlling comprises combining selected ones of the formed beams via a switch network ... and combining predetermined ones of the plurality of transmit beams and predetermined ones of the second plurality of receive beams to form the plurality of two-way beams... as called for in Claim 1.

Claims 2 and 3 each depend from and thus include the limitations of Claim 1. Thus, Applicants submit that Claims 2 and 3 are also patentably distinct over the cited reference at least for the reasons discussed above in conjunction with Claim 1.

Applicants submit that independent Claim 20 is patentably distinct over Fassett since Fassett neither describes nor suggests a "...transmit and receive system comprising ... a beam combining system coupled to the second array and being operative to simultaneously form a plurality of receive beams, wherein predetermined one of the plurality of transmit beams and predetermined ones of the plurality of receive beams are combined to form a plurality of two-way beams ..." called for in Claim 1.

Applicants submit that a single TR switch of the type disclosed in Fassett cannot simultaneously form a plurality of beams as called for in Claim 20.

In view of the above, Applicants submit that the rejection of Claims 1-3 and 20 under 35 U.S.C. §102(b) should be removed.

The Examiner rejects Claims 4-19 under 35 U.S.C. §103(a) as being unpatentable over Fassett.

Claims 4-19 each depend, either directly or indirectly, from independent Claim 1 and thus include the limitations of Claim 1. Applicants thus submit that Claims 4-19 are patentably distinct over the cited reference generally for the reasons discussed above in conjunction with Claim 1.

In view of the above, Applicants submit that Claims 4-19 are patentably distinct over Fassett whether taken alone or in combination with any other references of record in this case.

In view of the above Amendment and Remarks, Applicants submit that Claims 1-20 and the entire case are now in condition for allowance and should be sent to issue and such action is respectfully requested.

It is submitted that this amendment places the application in condition for allowance and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

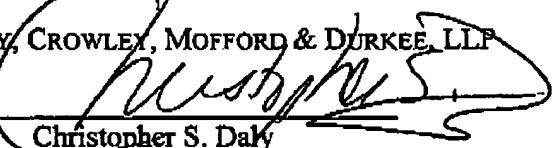
The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Dated: 6 Jan 06

Respectfully submitted,

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